

Report of Administrator of Insolvent Estate and Request for Final Discharge [Prob.  
C. 11600]

Age:		NEEDS/PROBLEMS/COMMENTS:  <b><u>CONTINUED TO 11/12/13</u></b> <b>Per request of Counsel</b>
DOD:		
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: JF
		Reviewed on: 10/23/13
		Updates:
		Recommendation:
		File 1 - Murphy

(1) First and Final Report of Administration, and (2) Petition for Statutory and Extraordinary Attorneys Fees and for (3) Final Distribution on Waivers of Accounting

<b>DOD: 01/31/08</b>		<b>ALICE PENA</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>CONTINUED FROM 08/27/13</u></b>  <b>Declaration filed 08/26/13</b> states that notice to the Franchise Tax Board was sent on 08/06/13.
		Accounting is waived.	
<b>Cont. from 052913, 080713, 082713</b>		I & A - <b>\$45,000.00</b>	
		POH - <b>\$45,644.63</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Administrator - <b>Waived</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Attorney - <b>\$1,800.00</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	(statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney x/o - <b>\$600.00</b> (for sale of	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	real property)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Closing - <b>\$1,000.00</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
	<b>Aff.Pub.</b>	Alice Pena - \$5,222.83	
	<b>Sp.Ntc.</b>	Manual Chaidez - \$5,222.82	
	<b>Pers.Serv.</b>	Sally Vargas - \$5,222.82	
	<b>Conf. Screen</b>	Arnold Chaidez - \$5,222.82	
	<b>Letters</b> 07/29/08	Elvira Chaidez - \$5,222.82	
	<b>Duties/Supp</b>	Jane Chaidez - \$5,222.82	
	<b>Objections</b>	George Chaidez - \$5,222.82	
	<b>Video Receipt</b>	Heirs of Fred Chaidez, post-deceased, brother, pursuant to Affidavits filed under Probate Code § 13100, as follows:	
	<b>CI Report</b>	Elaine Chaidez - \$1,740.93	
<input checked="" type="checkbox"/>	<b>9202</b>	Steven Chaidez - \$1,160.63	
<input checked="" type="checkbox"/>	<b>Order</b>	Jennifer Cerda - \$1,160.63	
	<b>Aff. Posting</b>	Jonathan Chaidez - \$1,160.63	
	<b>Status Rpt</b>		<b>Reviewed by:</b> JF
	<b>UCCJEA</b>		<b>Reviewed on:</b> 10/23/13
	<b>Citation</b>		<b>Updates:</b>
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		<b>Recommendation:</b>
			<b>File 2 – Chaidez</b>

<b>DOD:4-17-13</b>		<b>KATINA SAPIEN LOZANO PAULEY,</b> Conservator with bond of \$60,000.00, is Petitioner.  <b>Note:</b> Petitioner's First Account covering the period of 9-19-11 through 9-18-12, was never settled. See prior Examiner Notes.  <b>Second Account period:</b> <b>9-19-12 through 4-15-13</b> Accounting: \$29,845.77 Beginning POH: \$25,043.72 Ending POH: \$11,665.03  <b>Final Account period:</b> <b>4-16-13 through 8-12-13</b> Accounting: \$20,041.85 Beginning POH: \$11,665.03 Ending POH: \$18,577.10 (\$16,577.10 cash plus personal property valued at \$2,000.00)  Conservator: Not requested  <b>Attorney (This Second Account):</b> <b>\$3,260.00</b>  <b>Attorney (First Account, not yet authorized): \$4,035.00</b>  <b>Petitioner prays for an order:</b> <ol style="list-style-type: none"> <li>Settling and allowing this account and report and approving and confirming the acts of Petitioner as Conservator;</li> <li>Authorizing payment of attorney fees for this petition and as sought in the First Account;</li> <li>Distribution of the remaining \$9,282.10 to Petitioner as Trustee of the Angelina S. Lozano Living Trust;</li> <li>Authorizing discharge of the Conservator and her bond;</li> <li>For such other orders as the Court deems proper.</li> </ol>	<b>NEEDS/PROBLEMS/COMMENTS:</b> <b>Continued from 8-7-13</b> <ol style="list-style-type: none"> <li>The First Account, which covered the period 9-19-11 through 9-18-12, was never settled due to numerous listed issues. See prior Examiner Notes from hearings on 4-11-13, 5-2-13 and 7-12-13. On 4-11-13, the Court advised that the Conservator may be removed, and sent notice to the surety re the continued hearing date. On 5-2-13, the Court continued the matter to 7-12-13.           However, it appears that at the continued hearing on 7-12-13, it was noted that the Conservatee had passed away (although this happened after the account period that was at issue), and the Court set "status" for the final account to be filed. No action was taken regarding the First Account by the Court or by the Petitioner regarding further addressing the issues.           However, the First Account, which covered the period prior to her death, was never addressed and settled by the Court.           This Second and Final Account cannot go forward until the First Account has been settled. The Court may require amended account covering the entirety of the conservatorship.   <u>Note:</u> Issues noted regarding the first account as filed included inadvertent borrowing from the conservatorship account (mistaken debit card), depositing income to trust rather than conservatorship account, purchase of assets not listed as property of the conservatorship estate, cash withdrawals and disbursements not reflected on schedules, transfers to the trust, attorney fee payment issues, overdraft fees.       </li> </ol>
<b>Cont. from 080713</b>			
<b>Aff.Sub.Wit.</b>			
✓ <b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
✓ <b>Notice of Hrg</b>			
✓ <b>Aff.Mail</b>	W		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

**SEE ADDITIONAL PAGES****Reviewed by:** skc**Reviewed on:** 10-23-13**Updates:****Recommendation:****File 3 - Lozano**

## Page 2

2. Attorney Fees of \$8,874.83 were previously authorized for Attorney Joanne Sanoian pursuant to petition prior to the filing the First Account. Attorney Sanoian then requested fees of \$4,035.00 at the First Account, and this petition requests fees of \$3,260.00.

If approved, attorney fees for this conservatorship estate total \$16,169.73, which is almost half of the original value of the conservatorship estate.

The Court may require further clarification regarding the current and pending fee requests with reference to Probate Code §2640(c) (*just and reasonable compensation*), Cal Rules of Court 7.751 (*best interest of Conservatee*), Cal. Rules of Court 7.752 (*Court may require accounting before allowing compensation*) and Local Rule 7.16, which contemplates \$2,500.00 to establish conservatorship and prepare the first account (assuming account required prior to petition, per 7.752).

3. Petitioner requests distribution of the remaining \$9,282.10 to Petitioner as Trustee of the Angelina S. Lozano Living Trust. Examiner notes that although the Court addressed the existence of a trust at the hearing on appointment of Petitioner as Conservator, it does not appear that Petitioner was ever formally appointed as trustee under proper authority with proper notice.
  - a) The Court may require formal confirmation of Petitioner as Trustee, via separate proceeding with proper notice under applicable law, prior to authorizing further distribution.
  - b) If this petition goes forward, need declaration pursuant to Local Rule 7.12.5 for distribution to trust.

**Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution**

<b>DOD: 04/13/12</b>	<b>DARRYL GRANT</b> , son, was appointed Administrator with Bond in the Amount \$89,000.00 on 06/12/12. Bond was filed 07/02/12 and Letters of Administration were issued on 06/15/12.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b><u>CONTINUED FROM 09/27/13</u></b>
<b>Cont. from 080913, 092713</b>	<b>Inventory &amp; Appraisal filed 07/20/12 - \$67,000.00.</b>	<b>Minute Order from 09/27/13 states: Mr. Teixeira informs the Court that there is another heir and the only asset in the estate is the house.</b>
<b>Aff.Sub.Wit.</b>		<b>As of 10/23/13, nothing further has been filed in this matter.</b>
<b>Verified</b>		
<b>Inventory</b>	<b>Minute Order from hearing on 06/12/12</b> set this matter for Status regarding filing of the First Account and/or Petition for Final Distribution.	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Status Report: Declaration of J. Stanley Teixeira</b> filed 08/08/13 states: He has been unable to contact his client after many attempts. He has filed a Motion to be Relieved as Counsel that is set for hearing on 09/10/13.	1. Need <b>Accounting and/or Petition for Distribution</b> <u>or</u> current written status report pursuant to Local Rule 7.5, which states: In all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		<b>Reviewed by:</b> JF
<b>Status Rpt</b>		<b>Reviewed on:</b> 10/23/13
<b>UCCJEA</b>		<b>Updates:</b>
<b>Citation</b>		<b>Recommendation:</b>
<b>FTB Notice</b>		<b>File 4A – Grant</b>

**4A**

**Notice of Motion and Motion to be Relieved as Counsel**

<b>DOD: 04/13/12</b>		<b>DARRYL GRANT</b> , attorney for Administrator, Darryl Grant, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>DARRYL GRANT</b> , son, was appointed Administrator with Bond in the Amount \$89,000.00 on 06/12/12.	<u><b>CONTINUED FROM 09/27/13</b></u> <b>Minute Order from 09/27/13 states: The Court informs the parties that if communication between Mr. Teixeira and Mr. Grant does not improve to Mr. Teixeira's satisfaction, the house will be listed and the Court will consider the motion before it.</b>
<b>Cont. from 092713</b>			
	<b>Aff.Sub.Wit.</b>	Bond was filed 07/02/12 and Letters of Administration were issued on 06/15/12.	<b>As of 10/23/13, nothing further has been filed in this matter.</b>
✓	<b>Verified</b>		
	<b>Inventory</b>	<b>Inventory &amp; Appraisal</b> showing the value of the estate at \$67,000 was filed 07/20/12.	1. Minute Order from hearing on 08/09/13 moved this hearing from 09/10/13 to 09/27/13; however, the Notice of Hearing that was mailed to the relevant parties reflected the hearing date of 09/10/13. Need proof of service of <i>Notice of Hearing</i> for the re-set hearing date of 09/27/13.
	<b>PTC</b>		
	<b>Not.Cred.</b>	<b>Petitioner states</b> that he has made numerous attempts to contact the Darryl Grant, but has not received a response. There has been no response to phone calls, visits to Mr. Grant's residence, or mailed letters.	
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 10/23/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 4B – Grant</b>

## (1) Waiver of Accounting and Petition for Final Distribution Under Will and (2) for Allowance of Statutory Fees and Commissions [Prob. C. 11640, 10810, 10800]

<b>DOD: 12/19/12</b>		<b>FRANK MILLIGAN</b> , Executor, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from</b>		I & A - <b>\$158,789.11</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	POH - <b>\$147,068.10</b> (all cash)	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor - <b>\$5,839.60</b> (statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>	Attorney - <b>\$5,839.60</b> (statutory)	
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	Closing - <b>\$4,500.00</b>	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/o	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>	04/10/13	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Distribution, pursuant to Decedent's Will, is to:</b>
			Margaret McDowell - <b>\$26,177.78</b>
			Syble Wisener Siebert - <b>\$32,722.23</b>
			Frank Milligan - <b>\$39,266.66</b>
			Bonnie Wilson - <b>\$32,722.23</b>
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 10/23/13
			<b>Updates:</b>
			<b>Recommendation:</b> SUBMITTED
			<b>File 5 – Wisener</b>

		<b>DAVID C. DUNGY</b> , Trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 1-1-07 through 11-1-12	<u><b>Continued from 8-19-13, 9-30-13</b></u>
		Accounting: \$225,375.69	<u><b>Minute Order 8-19-13:</b></u> Ms. De Caro advises the Court that she has some questions regarding this matter and would like an opportunity to retain counsel. Ms. De Caro requests a continuance. Continued to 9/30/13
<b>Cont. from 081913, 093013</b>		Beginning POH: \$ 0.00	<u><b>Minute Order 9-30-13:</b></u> Counsel requests a continuance. Continued to 10-28-13.
	<b>Aff.Sub.Wit.</b>	Ending POH: \$ 0.00	<u><b>Note:</b></u> The order in the file was marked up at the last hearing; therefore, if granted, a new order is needed.
✓	<b>Verified</b>	Petitioner states the trustee has reimbursed himself out of pocket expenses but otherwise has not received or taken any compensation.	
	<b>Inventory</b>	<b>Petitioner requests that:</b>	
	<b>PTC</b>	1. The account be settled, allowed, and approved, and all acts and transactions of Petitioner be ratified, confirmed, and approved;	
	<b>Not.Cred.</b>	2. The trust be terminated; and	
✓	<b>Notice of Hrg</b>	3. Such other and further orders as the Court may deem proper under the circumstances.	
✓	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> skc
			<b>Reviewed on:</b> 10-23-13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 6 – De Caro</b>



7

<b>DOD: 09/09/02</b>		<p><b>STEPHANIE BERKULE</b>, granddaughter, is Petitioner.</p> <p><b>Petitioner alleges:</b></p> <ol style="list-style-type: none"> <li>On 08/27/90, Andrew J. Kells ("Settlor") created the <b>ANDREW J. KELLS REVOCABLE LIVING TRUST</b> (the "Trust"). The Trust was then amended by a FIRST AMENDMENT TO ANDREW J. KELLS REVOCABLE LIVING TRUST AGREEMENT on 10/26/90. The Trust, as amended, provides that upon the Settlor's death, the Trustee shall distribute the trust assets to the Settlor's only daughter, JACQUELINE L. KELLS-DAVIS ("Jackie"). The amended Trust named the Settlor and Jackie as co-trustees of the Trust, and upon their deaths, nominated MARY H. ADAMS ("Ms. Adams") shall become the sole Trustee of the Trust. (Ms. Adams was believed to be the Settlor's financial advisor.)</li> <li>The Settlor died on 09/09/02 and per the terms of the Trust, Jackie continued as the sole Trustee after his death. On 02/14/13 Jackie died. Jackie had formed and funded a living trust prior to her death, no probate administration of her estate was necessary (Petitioner is currently serving as the trustee of Jackie's living trust).</li> <li>Jackie died leaving three adult children, Stephanie Berkule (Petitioner), Tricia Lynn Davis Kissinger, and Shane Michael Davis.</li> <li>On or around 04/18/13, Ms. Adams was informed of the existence of the Trust and her position as the sole designated successor trustee of the Trust. Ms. Adams indicated that as a financial advisor, it was against her employer's policy to allow its employees to serve as trustees in their individual capacities. Ms. Adams has communicated that she will not serve as successor trustee and executed a declination to serve as Trustee.</li> </ol> <p>Continued on Page 2</p>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			w/
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 10/23/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 8 – Kells</b>		

5. As a result of Jackie's death and Ms. Adams declination to serve as successor trustee, the Trust does not have an acting trustee. Probate Code § 15660(d) provides that if a trust instrument is silent about choosing a successor trustee and the vacancy is not filled by agreement of the adult beneficiaries and a trust company, an interested person or a person named as trustee in the trust, may petition the court to appoint one. The Court is to give consideration to any trustee nominated by the beneficiaries who are 14 years of age or older.
6. In this case, the Trust only designates Ms. Adams as the successor trustee. Because of Ms. Adams' refusal to serve as successor trustee, petitioner requests that she be appointed to serve as the successor Trustee of the Trust.
7. The Trust does not require the trustee or successor trustee to post a bond to serve as trustee. Additionally, the Court should excuse any requirement of a bond that may be required under Probate Code § 15602(a)(3) because there are "compelling circumstances" under § 15603(b) that justify the excusal of the bond requirement, including, i) the small size of the Trust estate (approximately \$8,000); ii) the added costs and fees involved in securing a bond; iii) the fact that all Trust funds are to ultimately be distributed Jackie's living trust, as the successor-in-interest to Jackie; iv) the fact that the administration of the Trust will likely only last several weeks until funds are distributed to Jackie's living trust. Petitioner states that a bond is not necessary to protect the interests of the beneficiaries of the Trust, and there exist compelling circumstances that justify the excusal of a bond. Additionally, all the successors-in-interest of the Trust's deceased beneficiary (Jackie) have requested that bond be waived in this matter and have executed waivers of bond.

**Petitioner prays for an Order:**

1. Approving the appointment of Stephanie Berkule as Trustee of the Trust to serve without bond.

<b>DOD: 2-14-13</b>			<b>THOMAS MCCARTHY and KATHLEEN RABB</b> , siblings, are Petitioners.  40 days since DOD  No other proceedings  I&A: \$45,000.00  Decedent died intestate  Petitioners request Court determination that Decedent's 33.3% interest in certain real property located at 5172 N. Maroa in Fresno passes to them 50% each.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
N/A	<b>Notice of Hrg</b>			
	<b>Aff.Mail</b>			
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
				<b>Reviewed by:</b> skc <b>Reviewed on:</b> 10-23-13 <b>Updates:</b> <b>Recommendation:</b> SUBMITTED <b>File</b> 9 – McCarthy

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 10-11-11</b>		<p><b>GEORGE HUERTA, JR., BRISSA HUERTA, OLGA HUERTA ACOSTA, and MICHELLE DIAZ</b>, Decedent's children, are Petitioners.</p> <p>40 days since DOD</p> <p>I&amp;A: \$130,000.00</p> <p>Decedent died intestate</p> <p>Petitioners George Huerta, Jr., and Brissa Huerta disclaim their right to inherit.</p> <p>Petitioners request Court determination that Decedent's property passes to Petitioners Olga Huerta Acosta and Michelle Diaz 50% each.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. <b>Need clarification: The petition does not state Decedent's interest in the subject property. 100%?</b></p> <p>2. <b>The Inventory and Appraisal is incomplete at #5 (property tax certificate). Have the requirements of Revenue and Taxation Code §480 been satisfied?</b></p> <p>3. <b>The Court may require authority for disclaimers in this type of summary proceeding.</b></p>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
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<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
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<input type="checkbox"/>	<b>Video Receipt</b>			
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<input type="checkbox"/>	<b>9202</b>			
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<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 10-23-13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10 – Huerta</b></p>				

Atty Wright, Melissa (pro per Petitioner/Guardian)  
 Petition for Termination of Guardianship

Jazmine age: 11	<p><b>MELISSA WRIGHT</b>, guardian, is petitioner.</p> <p><b>SHANNON WRIGHT</b>, paternal uncle, and <b>MELISSA WRIGHT</b>, paternal aunt, were appointed guardians on 3/18/2010.</p> <p>Father: <b>GILBERT WRIGHT</b> – deceased.</p> <p>Mother: <b>ANGELA CHAVEZ</b></p> <p>Paternal grandfather: Shannon Wright          Paternal grandmother: Gladys Wright          Maternal grandfather: Ray Chavez          Maternal grandmother: Jeanie Caldwell</p> <p><b>Petitioner is requesting</b> Shannon Wright be removed as guardian of the children. Ms. Wright states Mr. Wright has not had any contact with the children since August 2010 when she was granted a Domestic Violence Restraining Order protecting her and the children from Mr. Wright. The Restraining Order expires in October 2013. Ms. Wright feels that removing Mr. Wright as guardian of the children is in the children's best interest, because of his extensive and on-going drug use and criminal history.</p> <p><b>Court Investigator Jennifer Young's Report filed on 9/25/13</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>Continued from 9/30/13. Minute Order indicates that petitioner Melissa Wright was not present and the matter was continued to 10/28/13. A copy of the minute order was mailed to both Melissa Wright and Shannon Wright.</p> <p>Although Petitioner has filed a Petition to terminate the guardianship what she is actually requesting is to have the co-guardian Shannon Wright removed.</p>	
Gilbert age: 10			
Destiny age: 8			
Cont. from 093013			
<input type="checkbox"/> Aff.Sub.Wit.			
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<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Reviewed by: KT
Reviewed on: 10/24/13
Updates:
Recommendation:
File 11 – Chavez & Wright

## Petition for Termination of Guardianship

<b>Kaylee, age 6</b>        <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;"></td> <td style="width: 85%;">Aff.Sub.Wit.</td> <td style="width: 10%;"></td> </tr> <tr> <td>✓</td> <td>Verified</td> <td></td> </tr> <tr> <td></td> <td>Inventory</td> <td></td> </tr> <tr> <td></td> <td>PTC</td> <td></td> </tr> <tr> <td></td> <td>Not.Cred.</td> <td></td> </tr> <tr> <td></td> <td>Notice of Hrg</td> <td></td> </tr> <tr> <td></td> <td>Aff.Mail</td> <td>X</td> </tr> <tr> <td></td> <td>Aff.Pub.</td> <td>X</td> </tr> <tr> <td></td> <td>Sp.Ntc.</td> <td></td> </tr> <tr> <td></td> <td>Pers.Serv.</td> <td></td> </tr> <tr> <td></td> <td>Conf. Screen</td> <td></td> </tr> <tr> <td></td> <td>Letters</td> <td></td> </tr> <tr> <td></td> <td>Duties/Supp</td> <td></td> </tr> <tr> <td></td> <td>Objections</td> <td></td> </tr> <tr> <td></td> <td>Video Receipt</td> <td></td> </tr> <tr> <td></td> <td>CI Report</td> <td></td> </tr> <tr> <td></td> <td>9202</td> <td></td> </tr> <tr> <td>✓</td> <td>Order</td> <td></td> </tr> <tr> <td></td> <td>Aff. Posting</td> <td></td> </tr> <tr> <td></td> <td>Status Rpt</td> <td></td> </tr> <tr> <td></td> <td>UCCJEA</td> <td></td> </tr> <tr> <td></td> <td>Citation</td> <td></td> </tr> <tr> <td></td> <td>FTB Notice</td> <td></td> </tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.			Notice of Hrg			Aff.Mail	X		Aff.Pub.	X		Sp.Ntc.			Pers.Serv.			Conf. Screen			Letters			Duties/Supp			Objections			Video Receipt			CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA			Citation			FTB Notice		<p><b>DENISE CARRASCO</b>, Mother, is Petitioner.</p> <p><b>SANDRA FONSECA</b>, Paternal Grandmother, was appointed guardian of Kaylee on 9-27-12.</p> <p>Father: <b>JAMES R. DENNINGTON</b>  Paternal grandfather: James Dennington  Maternal grandfather: Mr. Carrasco  Maternal grandmother: Maria Garcia</p> <p><b>Petitioner states</b> she has a stable job and place to live. She has been picking up Kaylee on the days she has visitation and she feels like her daughter causes too much stress for the guardian, resulting in putting her in the room for hours at a time and throwing her against the wall. Petitioner states she has followed the visitation plan since guardianship was granted, she has a stable job and place to live, and it would be in her daughter's best interest for the guardianship to be terminated. Kaylee recently came to her and said she doesn't want to go to her nana's because they always put her in the room and she cries until she falls asleep. Kaylee told Petitioner that her aunt threw her against the wall for making too much noise when she was trying to sleep when the aunt was babysitting. Petitioner's other daughter Jizelle says she doesn't like going to visit because they are mean to her sister. Petitioner states she has a video of her daughter showing her how she was thrown against the wall.</p> <p><b>Court Investigator Jo Ann Morris filed a report on 10-18-13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Note:</u> This petition pertains to the minor Kaylee only. The petition for guardianship of the minor Jizelle was dismissed per minute order 12-5-12.</p> <ol style="list-style-type: none"> <li><b>Need Notice of Hearing.</b></li> <li><b>Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1460(e) on the guardian and all relatives:</b> <ul style="list-style-type: none"> <li>- Sandra Fonseca (Guardian)</li> <li>- James R. Dennington (Father)</li> <li>- James Dennington (Paternal Grandfather)</li> <li>- Mr. Carrasco (Maternal Grandfather)</li> <li>- Maria Garcia (Maternal Grandmother)</li> </ul> </li> </ol>     <p><b>Reviewed by:</b> skc</p> <hr/> <p><b>Reviewed on:</b> 10-23-13</p> <hr/> <p><b>Updates:</b></p> <hr/> <p><b>Recommendation:</b></p> <hr/> <p><b>File 12 – Denington</b></p>
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## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

<b>Age: 10</b>		<b>TEMPORARY EXPIRES 10/28/2013</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>DEBBIE WRIGHT</b> , non-relative, is petitioner.		1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> <li>Andy Contreras (Father) – was served by mail on 07/16/2013 however personal service is required pursuant to Probate Code § 1511.</li> <li>Lalaina Delgado (Mother)</li> </ul>	
		Father: <b>ANDY CONTRERAS</b> , served by mail on 07/16/2013			
		Mother: <b>LALAINA DELGADO</b>			
		Paternal Grandfather: Unknown			
		Paternal Grandmother: Mary Tapia, deceased			
		Maternal Grandparents: Unknown			
		<b>Petitioner states:</b> that she is the ex-girlfriend of the minor's father. She states that on 05/02/2013, Social Worker, Staci Moffatt, appeared at her home and informed her that she is not legally able to administer the minor's daily medication for ADHD and that guardianship would be required. Petitioner alleges that the child's father was arrested at the petitioner's home on 03/10/2013 and currently remains incarcerated on two counts of indecent exposure. The father attended a hearing on 11/10/2011 in Kings County for indecent exposure. Petitioner alleges that the father was exposing himself and masturbating in public where children were present. Petitioner states that the mother left the child when he was nine months old and has only spoken with his mother once in his life. Petitioner alleges that the paternal aunt, Yadira Sanchez, has had the child reside with her at times however the child informed the petitioner that his fifteen year old cousin has been molesting him since he was four years old in his aunt's home.			
		<b>Declaration filed 07/17/2013</b> which include numerous letters in support of the petition for guardianship.			
		<b>DSS Investigator Keith M. Hodge, DSS, and Staci Moffatt, DSS, report filed 08/14/2013.</b>			
<b>Cont. from 071513, 082013</b>				<b>Reviewed by:</b> LV	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			<b>Reviewed on:</b> 10/23/2013	
<input checked="" type="checkbox"/>	<b>Verified</b>			<b>Updates:</b>	
<input type="checkbox"/>	<b>Inventory</b>			<b>Recommendation:</b>	
<input type="checkbox"/>	<b>PTC</b>			<b>File 13 – Contreras</b>	
<input type="checkbox"/>	<b>Not.Cred.</b>				
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>			
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<input type="checkbox"/>	<b>Video Receipt</b>				
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<input type="checkbox"/>	<b>FTB Notice</b>				



## Amended Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 1-28-13</b>		<p><b>LUPE GALINDO</b>, niece and named Executor without bond, is Petitioner.</p> <p>Full IAEA – ok</p> <p>Will dated 2-8-01</p> <p>Residence: Kerman, CA Publication: Selma Enterprise and Kingsburg Recorder</p> <p>Estimated value of estate: Real property: \$105,878.00</p> <p>Probate Referee: Steven Diebert</p> <p><b>Note: If the petition is granted status hearings will be set as follows:</b></p> <ul style="list-style-type: none"> <li>• Friday, 03/07/2014 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u></li> <li>• Friday, 12/05/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.</li> </ul> <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Petitioner published notice in the Selma Enterprise and Kingsburg Recorder; however, the decedent's residence was Kerman, CA; therefore, publication should have been in the Kerman News pursuant to Local Rule 7.9. The Court may require further publication. See Probate Code §8121(b) and Local Rule 7.9.</li> <li>2. Petitioner states she is the sole heir according to the will and includes declarations regarding the decedent's immediate family members. Declarations in support of the petition from Susanna Torres, great-niece, and Eufemia Cano, niece, describe that the decedent was rescued in the 1960s from her husband and sons in Texas that used drugs and physically abused her, and lived in Kerman with her sister until her death, and then with Petitioner. The will dated 2001 specifically disinherits those immediate family members.</li> </ol> <p>If notice is not excused, need Notice of Hearing and proof of service of Notice of Hearing on family members listed in #8 of the petition.</p>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			<b>S/P</b>
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<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
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<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 10-23-13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 14 – Samora</b>

**15 Princess Sandy Rivera, Thaliana Mia Rivera, and Makayla Trista Rivera (GUARD/P)** Case No. 13CEPR00747

**Atty Rivera, Victor Manuel, Sr., and Belia (Pro Per – Paternal Grandparents – Petitioners)**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Princess, age 9</b>		<b>TEMP EXPIRES 10-28-13</b>  <b>VICTOR and BELIA RIVERA</b> , Paternal Grandparents, are Petitioners.  Father: <b>VICTOR MANUEL RIVERA, JR.</b> - Nominates, consents, and waives notice - Personally served 9-24-13  Mother: <b>GEORGINA FRIETZE ISLAS</b> - Declaration of Due Diligence filed 9-30-13  Maternal Grandfather: Javier Islas - Mailed service 8-29-13 Maternal Grandmother: Sandy Crane - Mailed service 8-29-13  <b>Petitioners state</b> the children have lived with them since the mother left them with Petitioners in January 2012. The father is unable to care for them at this time and consents to guardianship.  <b>Court Investigator Jennifer Daniel filed a report on 10-18-13.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. If diligence is not found, need proof of service on Georgina Fietze Islas (Mother) per Probate Code §1511.</b>
<b>Thaliana, age 7</b>			
<b>Makayla, age 5</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
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<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b> <small>W</small>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input checked="" type="checkbox"/>	<b>CI Report</b>		
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<input checked="" type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 10-23-13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 15 – Rivera</b>

**16**      **Julynda Garcia (GUARD/P)**  
**Atty**      **Garcia, Melinda (pro per – maternal grandmother/Petitioner)**  
**Atty**      **Garcia, Jorge (pro per – maternal grandfather/Petitioner)**

**Case No. 13CEPR00753**

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 3</b>		<b><u>TEMPORARY EXPIRES 10/28/13</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>MELINDA GARCIA and JORGE GARCIA,</b>			
		maternal grandmother and step-			
		grandfather, are Petitioners.			
<b>Cont. from</b>		Father: <b>JOSE GARCIA</b> – Consent &			
	<b>Aff.Sub.Wit.</b>		Waiver of Notice filed 09/06/13		
✓	<b>Verified</b>		Mother: <b>JULISSA GARCIA</b> – Consent &		
	<b>Inventory</b>		Waiver of Notice filed 09/06/13		
	<b>PTC</b>		Paternal grandfather: ELEAZAR		
	<b>Not.Cred.</b>		MORALES – Served by mail on 09/10/13		
✓	<b>Notice of Hrg</b>		Paternal grandmother: SANDRA		
			GUTIERREZ – Served by mail on 09/10/13		
✓	<b>Aff.Mail</b>	w/	Maternal grandfather: DINO PERALES –		
	<b>Aff.Pub.</b>		Served by mail on 09/10/13		
	<b>Sp.Ntc.</b>		<b>Petitioners state</b> that both parents		
	<b>Pers.Serv.</b>	n/a	neglect the child.		
✓	<b>Conf. Screen</b>		<b>Court Investigator JoAnn Morris filed a</b>		
✓	<b>Letters</b>		<b>report on 10/10/13.</b>		
✓	<b>Duties/Supp</b>				
	<b>Objections</b>				
	<b>Video Receipt</b>				
✓	<b>CI Report</b>				
	<b>9202</b>				
✓	<b>Order</b>				
	<b>Aff. Posting</b>				
	<b>Status Rpt</b>				
✓	<b>UCCJEA</b>				
	<b>Citation</b>				
	<b>FTB Notice</b>				
				<b>Reviewed by:</b> JF	
				<b>Reviewed on:</b> 10/23/13	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 16 – Garcia</b>	

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

<b>Age: 73</b>		<b>TEMP REQUEST DISMISSED PER REQUEST</b>  <b>JOYCE WRIGHT</b> , Sister, and <b>CHARLOTTE TAVARES</b> , Niece, are Petitioners and request appointment as Conservators of the Person.  <b>Voting rights affected</b>  <b>A Capacity Declaration was filed 10-2-13.</b> Capacity Declaration of Matthew Tatum, Psy.D., supports medical consent powers.  <b>Petitioners state</b> the proposed Conservatee fell and broke her hip and needed hip replacement. The doctor needed the person in charge to sign consent forms. Three nurses that came to the home said someone needed power of attorney, but she is mentally disabled and can't consent to that. Therefore, conservatorship is needed to pay her bills and take care of her needs. She is 73 and never had an emergency until now. Petitioners request conservatorship so that they won't have any problems seeing to her needs.  <b>Court Investigator Dina Calvillo filed a report on 10-9-13.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Court Investigator advised rights on 10-8-13</u>  <u>Continued from 10-21-13</u>  <u>Update:</u> A Declaration filed 10-23-13, the family met with a Court mediator on 10-21-13 and agreed that Joyce Wright and Donnie Brewer would petition to be co-conservators and Charlotte Tavares will withdraw her name from the petition. (Agreement attached.)  <u>However</u> , a new (competing) petition filed 10-23-13 by Donnie Brewer appears to request appointment of Donnie Brewer only as conservator.  <u>Mr. Brewer's petition is set for hearing on 12-4-13.</u>  <u>Minute Order 10-21-13:</u> Also present in the courtroom is Sheila Smith. Joann Brewer and Donnie Brewer object to the petition. The Court on its own motion amends the petition to include medical consent powers. Parties agree to participate in mediation immediately following today's hearing. The Court directs Mr. Fischer to provide the Court a report regarding the status of mediation. Donnie Brewer provides contact information. Matter continued to 10/28/13 at 9:00a.m. in Dept 303  If this matter goes forward, the following issues exist: <b>SEE PAGE 2</b>
<b>Cont. from 102113</b>			
<b>Aff.Sub.Wit.</b>			
✓ <b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
✓ <b>Notice of Hrg</b>	X		
✓ <b>Aff.Mail</b>	w/o		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
✓ <b>Pers.Serv.</b>	w		
✓ <b>Conf. Screen</b>			
✓ <b>Letters</b>			
✓ <b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>	X		
✓ <b>CI Report</b>			
<b>9202</b>			
✓ <b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
✓ <b>Citation</b>			
<b>FTB Notice</b>			
		<b>Reviewed by:</b> skc	
		<b>Reviewed on:</b> 10-23-13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 17 – Horn</b>	

**Page 2**

- 1. Notice of Hearing filed**  
10-2-13 appears to be defective: Service was performed by the petitioners, and it does not indicate that a copy of the petition was included in the service on the relatives per Probate Code §1822. The Court may require amended service.
- 2. The petition is blank at #5f; however, Petitioners state the proposed Conservatee has been mentally disabled since infancy. Notice may be required to Central Valley Regional Center (CVRC) if the proposed Conservatee is developmentally disabled as defined in Probate Code §1420. See §1822(e).**
- 3. Need video receipt per Local Rules.**

**Petition for Probate of Will and for Letters of Administration with Will Annexed  
(Prob. C. 8002, 10450)**

<b>DOD: 02/14/13</b>		<p><b>MICHAEL GUTIERREZ</b>, son/nominated alternate Executor without bond, is Petitioner and requests appointment as Administrator with Will Annexed.</p> <p>Full IAEA – <b>NEED PUBLICATION</b></p> <p>Will dated 11/18/91</p> <p>Residence: Clovis Publication: <b>NEED PUBLICATION</b></p> <p><b>Estimated Value of the Estate:</b>            Personal property - \$ 2,000.00            Real property - 175,000.00  <b>Total - \$177,000.00</b></p> <p>Probate Referee: <b>RICK SMITH</b></p> <p>Petitioner alleges that Rachel Gutierrez, daughter of the decedent and one of the beneficiaries of the estate, has triggered the no contest clause of decedent's Will by refusing to abide by the terms of the Will, which devises the decedent's property to the decedent's three children equally. Petitioner alleges that Rachel Gutierrez is currently residing in the real property asset of the estate and will not allow Petitioner to have access to the property. Petitioner alleges that by failing to abide by the terms of the Will, Rachel Gutierrez has contested the Will and should take only \$1.00 as the contest clause in the Will provides.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>Petitioner requests appointment as Administrator with Will Annexed, however he is nominated as an alternate Executor in the decedent's Will, therefore it does not appear that appointment as Administrator with Will Annexed is appropriate. Need revised Petition.</li> <li>The Petition is not marked at items 5(a)(3) or (4) regarding registered domestic partner or no registered domestic partner.</li> <li>The Petition is not marked at item 5(a)(7) or (8) regarding issue of a predeceased child or no issue of a predeceased child.</li> <li>The decedent's will indicates that she had 3 children, however only 2 of them are named in item 8 of the Petition. Anthony Gutierrez is named in the decedent's Will as her son. His name and address should therefore be listed in item 8 of the Petition. If he is deceased, his name and date of death should be listed in item 8 of the Petition.</li> <li>Need Notice of Petition to Administer Estate.</li> <li>Need proof of service by mail at least 15 days before the hearing of Notice of Petition to Administer Estate for:               <ol style="list-style-type: none"> <li>Rachel Gutierrez</li> <li>Anthony Gutierrez</li> </ol> </li> <li>Need proof of publication.</li> <li>Need Duties and Liabilities of Personal Representative and Confidential Supplement to Duties and Liabilities of Personal Representative.</li> <li>Need Order and Letters.</li> </ol> <p><b>Note:</b> Petitioner filed the Petition using a fee waiver. The filing fee for this Petition and any other unpaid court fees will be due from the proceeds of the estate prior to distribution of the assets to the beneficiaries.</p>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			x
<input type="checkbox"/>	<b>Aff.Mail</b>			x
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			x
<input type="checkbox"/>	<b>Duties/Supp</b>			x
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input type="checkbox"/>	<b>Order</b>	x		
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

## Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

Elizaé, age 3		<b>TEMP GRANTED EX PARTE TO PETITIONER AMELIA TEJADA EXPIRES 10-28-13</b>  <b>GENERAL HEARING 12-16-13</b>  <b>AMELIA TEJADA</b> , Paternal Grandmother, is Petitioner (Page A).  Father: <b>JOSEPH JUAREZ</b> Mother: <b>CECILIA MORENO</b> Paternal Grandfather: Rodrigo Campos - Mailed notice 10-15-13 Maternal Grandfather: Lewis Moreno - Mailed notice 10-15-13 Maternal Grandmother: Selmira Espinoza - Mailed notice 10-15-13  <b>Petitioner states</b> CPS asked them to file. The children are in her custody since 9-24-13. Before that, they lived with their father. Petitioner requests the Court excuse notice to the parents because the father is in Fresno County Jail and the mother has unstable housing. Petitioner attached a copy of the Team Decision Meeting Summary Report on 9-24-13 and a copy of a custody order from January 2013 showing sole legal and physical custody was with the father.  <b>Court Investigator Charlotte Bien filed a report on 10-23-13.</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. If diligence is not found, need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing on parents per Probate Code §2250(e): - Joseph Juarez (Father) - Cecilia Moreno (Mother)
Elexie, age 1			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/o		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.	X		
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
✓ Clearances	x		
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 10-23-13
Updates:
Recommendation:
File 19A – Juárez

## **Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Elizae, age 3</b>			<b>TEMP DENIED 10-16-13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Elixie, age 1</b>				
			<b>SELMIRA ESPINOZA</b> , Maternal Grandmother, is Petitioner.	<b>1. Need Notice of Hearing.</b>
			Father: <b>JOSEPH JUAREZ</b> Mother: <b>CECILIA MORENO</b>	<b>2. Need proof of personal service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1511 on parents:</b> - <b>Joseph Juarez (Father)</b> - <b>Cecilia Moreno (Mother)</b>
			Paternal Grandfather: Rodrigo Campos Paternal Grandmother: Amelia Tejeda Maternal Grandfather: Lewis Moreno	<b>3. Need proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §1511 on:</b> - <b>Rodrigo Campos (Paternal Grandfather)</b> - <b>Ameilia Tejeda (Paternal Grandmother)</b> - <b>Lewis Moreno (Maternal Grandfather)</b>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		<b>Petitioner states</b> the children will be safe with her and still be able to keep a relationship with both parents and grandparents.	
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>		<b>Court Investigator Charlotte Bien filed a report on 10-23-13.</b>	
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>	X		
<input type="checkbox"/>	<b>Aff.Mail</b>	X		
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>	X		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>			
<input checked="" type="checkbox"/>	<b>Letters</b>			
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>	X		
<input type="checkbox"/>	<b>Clearances</b>	X		
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input checked="" type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
			<b>Reviewed by:</b> skc	
			<b>Reviewed on:</b> 10-23-13	
			<b>Updates:</b>	
			<b>Recommendation:</b>	
			<b>File 19B – Juarez</b>	



## Petition for Appointment of Temporary Conservator of the Person

Age: 18		<u>GENERAL HEARING 11/21/2013</u>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>GURSHARN MANGAT</b> , mother is petitioner.		1. Need proof of personal service of the Notice of Hearing and a copy of the Petition on the proposed conservatee.	
				2. Need Video Receipt for conservator pursuant to Local Rule 7.15.8(A).	
Cont. from		Petitioner states: ?		3. Need Order.	
	Aff.Sub.Wit.			4. Need Letters.	
✓	Verified			5. Confidential Screening form is incomplete.	
	Inventory	Court Investigator Charlotte Bien's Supplemental report filed 10/16/2013.		6. Petition does not allege any facts in support of the need for a temporary conservatorship.	
	PTC				
	Not.Cred.				
	Notice of Hrg		X		
	Aff.Mail		X		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.		X		
✓	Conf. Screen				
	Letters		X		
✓	Duties/Supp				
	Objections				
	Video Receipt		X		
✓	CI Report				
	9202				
	Order				
	Aff. Posting			Reviewed by: LV	
	Status Rpt			Reviewed on: 10/24/2013	
	UCCJEA			Updates:	
	Citation		X	Recommendation:	
	FTB Notice			File 20 – Mangat	